

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:14-CV-237-H

KIMBERLY J. WARD, )  
Plaintiff, )  
                )  
v.              )                           **ORDER**  
                )  
KENT G. FLOWERS, JR., )  
Defendant.        )

The court referred this matter to United States Magistrate Judge Kimberly A. Swank for frivolity review of plaintiff's complaint. Magistrate Judge Swank filed a Memorandum and Recommendation ("M&R") recommending plaintiff's claims against defendant be dismissed for failure to state a claim. [D.E. #10 at 6]. Defendant filed timely objections to the M&R on November 23, 2015. [D.E. #11].

The court has carefully reviewed the M&R, objections, and other documents of record. Based on its de novo review, see 28 U.S.C. § 636(b) (After conducting a de novo review, the district judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge..."), the court finds that the recommendation of Magistrate Judge Swank is, in all respects, in accordance with the law and should be approved.

Accordingly, the court ACCEPTS the recommendation of Magistrate Judge Swank. Plaintiff's complaint, [D.E. #1, #5], is therefore DISMISSED after frivolity review for failure to state a claim. The clerk is directed to close this case.

This 26<sup>th</sup> day of January 2016.

  
Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
#34